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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/687,464	10/13/2000	Takafumi Fujisawa	72760 (00P290PS-US00)	9660

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FITCH EVEN TABIN AND FLANNERY
120 SOUTH LA SALLE STREET
SUITE 1600
CHICAGO, IL 60603-3406

EXAMINER

FLETCHER, MARLON T

ART UNIT PAPER NUMBER

2837

DATE MAILED: 09/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/687,464

Applicant(s)

FUJISAWA ET AL.

Examiner

Marlon T Fletcher

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 October 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-10, 15-25, 28-32 and 36-42 is/are rejected.
- 7) ☐ Claim(s) 5, 6, 11-14, 26, 27 and 33-35 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3, 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claim 9 is objected to because of the following informalities:

The phrase "wherein said sound with a control input" is grammatically incorrect.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 9 recites the limitation "said sound presentation trial processing for displaying an object" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim. There is no previous recitation of the presentation trial processing for displaying an object.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-4, 7, 8, 21, 22-25, 28, 29, and 42 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamato et al. (5,680,534).

Yamato et al. (claims 1, 21, 22, 42) disclose an entertainment system comprising: an entertainment apparatus (2) for executing various programs; at least one manual controller (12, 14) for entering control requests from a user into said entertainment apparatus; a display unit (15) for

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displaying images outputted from said entertainment apparatus; music editing means for assigning an arbitrary sound pattern selected from a plurality of sound patterns each composed of a combination of sounds to at least one track based on a control input from said manual controller (column 16, lines 21-34); and sound presentation trial processing means (208) for outputting said sound pattern assigned to said track when a control input from said manual controller satisfies a predetermined condition (column 8, lines 44-49).

Yamato et al. (claims 2, 23) disclose an entertainment system, wherein said music editing means displays said plurality of sound patterns as respective symbol images on said display unit, and responsive to a control input from said manual controller to select at least one track displayed on said display unit and a control input from said manual controller to select said symbol images, registers sound patterns corresponding to the symbol images in the selected track (column 16, lines 21-34) (figure 14).

Yamato et al. (claims 3, 24) disclose an entertainment system, wherein said music editing means comprises: editing view displaying means for displaying an editing view having a pallet display area including at least one track and a plurality of symbol images, on said display unit; track selecting means for selecting a track displayed on said display unit based on a control input from said manual controller; sound pattern selecting means for selecting a sound pattern corresponding to at least one of said symbol images in said pallet display area based on a control input from said manual controller to select said at least one of said symbol images; and sound pattern registering means for registering the sound pattern selected by said sound pattern selecting means in the track selected by said track selecting means (column 16, line 21 through column 17, line 27) (figures 14-16).

Yamato et al. (claims 4, 25) disclose an entertainment system, wherein said music editing means comprises: sound pattern outputting means for outputting a sound of the selected sound pattern via a speaker (via TV speakers) (figure 2B).

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Yamato et al. (claims 7, 28) disclose an entertainment system, wherein said music editing means comprises: parameter changing means for changing a plurality of parameters of said selected sound pattern (figures 15 and 15A).

Yamato et al. (claims 8, 29) disclose an entertainment system, wherein said music editing means comprises: sound changing means for changing an array of sounds of each of said sound patterns (column 16, lines 56-60).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 9, 10, and 30-32, are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamato et al. in view of Suzuki et al. (6,281,420).

Yamato et al. are disclose above. Yamato et al. (claims 9, 10, 30, 31, 32) disclose an entertainment system, wherein said sound presentation trial processing means for displaying an object relatively moving on said display unit, allowing the user to try to acquire the object with a control input, and outputting a sound based relatively to the moving object (column 17, lines 21-27).

Yamato et al. do no show the object moving on the track although it seems possible in view of figure 14.

However, Suzuki et al. ('420) (claims 9, 10, 30, 31, 32) disclose an entertainment system, wherein said sound presentation trial processing means for displaying an object relatively moving on at least one track displayed on said display unit, allowing the user to try to acquire the object with a

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control input, and outputting a sound assigned to the track on which the object is relatively moving when the acquisition of the object with the control input is detected (figure 2) (column 5, lines 29-36).

It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize the teachings of Suzuki et al. ('420) with the apparatus of Yamato et al., because the teachings provide display of the tracks and progress of the tracks, which gives the user a visual of the sound productions.

8. Claims 15-20 and 36-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamato et al. in view of Suzuki et al. (6,150,598).

Yamato et al. are discussed above. Yamato et al. do not disclose registering extracted audio data.

However, Suzuki et al. ('598) (claims 15-19, 36-40) disclose an entertainment system, further comprising: audio data extracting means for extracting audio data; audio data processing means for registering extracted one of audio data introduced from an external source as one of said sound patterns; trimming means for trimming an excessive portion off said extracted audio data; effect applying means for applying an effect (slur) to said extracted audio data; and audio data re-extracting means for re-extracting audio data from said extracted audio data (abstract and column 10, line 20 through column 11, line 14).

Suzuki et al. ('598) (claims 20, 41) disclose an entertainment system, wherein said audio data re-extracting means comprises: selecting playback means for reproducing said extracted audio data according to a playback attribute selected according to a control input entered from said manual controller (figure 11).

It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize the teachings of Suzuki et al. ('598) with the apparatus of Yamato et al., because the teachings

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enhance the apparatus by providing extraction of the input wherein the extracted data can be processing various ways for creating desired sounds.

Allowable Subject Matter

9. Claims 5, 6, 11-14, 26, 27, 33-35, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following references pertain to the present invention, wherein an input is controlled or operated by a user, and sound is controlled based on the user's input.

Stelovsky (5,728,692)

Ishikawa et al. (6,320,110)

Eyzaguirre et al. (6,353,170)

Ito et al. (5,623,112)

Sone (6,066,792)

Kurakake (6,211,453)


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marlon T Fletcher whose telephone number is 703-308-0848. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Nappi can be reached on 703-308-3370. The fax phone numbers for the organization where

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this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.


Marlon T. Fletcher
Primary Examiner
Art Unit 2837

MTF
September 6, 2003